

## SCHEDULES

### SCHEDULE 3

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART I

#### MINOR AMENDMENTS

##### *Insolvent employers: payments to employees*

- 3 For subsection (2) of section 122 of the 1978 Act (definition of " relevant date " in relation to certain debts due from insolvent employers to their employees) there shall be substituted the following subsection—
- “(2) In this section the ' relevant date', in relation to a debt, means whichever is the latest of—
- (a) the date on which the employer became insolvent;
  - (b) the date of the termination of the employee's employment ; or
  - (c) where the debt falls within section 121(2)(d) or subsection (3)(d), the date on which the award was made.”.
- 4 (1) Section 122(3) of the 1978 Act (debts to which the provisions of section 122 about employees' rights on insolvency of employers apply) shall be amended as follows.
- (2) For paragraph (a) there shall be substituted the following paragraph—
- “(a) any arrears of pay in respect of one or more (but not more than eight) weeks ;”.
- (3) For paragraph (c) there shall be substituted the following paragraph—
- “(c) any holiday pay—
- (i) in respect of a period or periods of holiday not exceeding six weeks in all; and
  - (ii) to which the employee became entitled during the twelve months ending with the relevant date ;”.
- 5 (1) Sections 122(11) and 123(9) of the 1978 Act (employee's rights on insolvency of employer and payment of unpaid contributions to occupational pension scheme) shall be amended as follows.
- (2) In paragraph (a) for the words from the beginning to " was " there shall be substituted in each case the words " the application for a payment under this section has been ".
- (3) In paragraph (c) for the word " further " there shall be substituted in each case the word " unreasonable ".